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Department of the Treasury

Priorities for the 2017/2018 Federal Budget

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'Disabled People's Organisations Australia (DPO Australia) Submission to the 2017/2018 Federal Budget'

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1. Disabled People's Organisations Australia (DPO Australia)

Disabled People's Organisations Australia (DPO Australia) is an alliance of four national DPOs. DPOs are organisations that are led by, and constituted of people with disability.

The key purpose of DPO Australia is to promote, protect and advance the human rights and freedoms of people with disability in Australia by working collaboratively on areas of shared interests, purposes and strategic priorities and opportunities.

DPO Australia is funded by the Australian Government to be the recognised coordinating point between Government/s and other stakeholders, for consultation and engagement with people with disability in Australia.

The four DPO Australia members are:

[People with Disability Australia \(PWDA\)](#) is the national cross disability rights and advocacy organisation run by and for people with disability. Working within a human rights framework, PWDA represents the interests of people with all kinds of disability. Its primary membership is made up of people with disability and organisations primarily constituted by people with disability. It also has a large associate membership of other individuals and organisations committed to the disability rights movement.

[Women With Disabilities Australia \(WWDA\)](#) is the national cross-disability DPO for women and girls with all types of disabilities in Australia. It operates as a transnational human rights organisation and is run by women with disabilities, for women with disabilities. WWDA's work is grounded in a human rights based framework which links gender and disability issues to a full range of civil, political, economic, social and cultural rights.

[First Peoples Disability Network Australia \(FPDNA\)](#) is the national cross-disability DPO representing Aboriginal and Torres Strait Islander people with disability and their families. FPDNA utilises a range of strategies in its representative role, including through the provision of high-level advice to governments, and educating the government and non-government sectors about how to meet the unmet needs of Aboriginal and Torres Strait Islander people with disability.

[National Ethnic Disability Alliance \(NEDA\)](#) is the national peak organisation representing the rights and interests of people from Culturally and Linguistically Diverse (CALD/NESB) people with disability, their families and carers throughout Australia. NEDA advocates at the federal level so that CALD/NESB people with disability can participate fully in all aspects of social, economic, political and cultural life.

2. Introduction

Disabled People's Organisations Australia (DPO Australia) welcomes the opportunity to outline our key priorities for the 2017/2018 Federal Budget.

Our priorities are drawn from our collective membership, engagement and advocacy with people with disability.

These priorities have been outlined in previous pre-budget submissions¹ and in our 2016 Federal Election Platform.² Much of the information in this submission has been extracted from these documents as they remain critical and relevant issues for people with disability in the context of the 2017/2018 Federal Budget.

Drawing from the views of people with disability ourselves, we provide our 12 key priorities for the 2017/2018 Budget.

- ***Disability and poverty***
- ***The National Disability Strategy***
- ***The National Disability Insurance Scheme (NDIS)***
- ***Close the Gap for Aboriginal and Torres Strait Islander people with disability***
- ***Equity of support for older people with disability***
- ***Secure and adequate income support***
- ***National employment plan***
- ***Affordable and accessible housing***
- ***Inclusive education***
- ***Royal Commission into violence, abuse and neglect***
- ***End disability discrimination in immigration policy***
- ***Accessible infrastructure and communications***

¹ People with Disability Australia, *Priorities for the 2016 Budget*, http://www.pwd.org.au/documents/2016-17_PWDA_Federal_Budget_Submission.pdf

² Australian Cross Disability Alliance, *Election Policy Platform – Building a Disability Inclusive Australia*, 2016, <http://dpoa.org.au/2016-election-platform/>

3. 2017/2018 Budget Priorities

3.1 Disability and poverty

Australia ranks 26 out of 27 OECD countries for the percentage of people with disability living in poverty.³ Many people with disability are dependent on income support due to pervasive barriers they face in finding and keeping work. The most recent OECD ranking placed Australia 21st out of 29 OECD countries for employment participation of people with disability,⁴ and ABS data shows nearly half of people with disability in Australia are not in the labour force.⁵

Our accumulated short comings mean that 45% of people with disability in Australia live near or below the poverty line.

We recognise that the Australian Government has a commitment to fiscal constraint in order to pay back debt and to move the budget back to a surplus position. However, budget measures to fulfil this commitment have not been equally shared across our community. Over consecutive budgets since 2014, budget measures have consistently and disproportionately negatively affected people living in poverty and / or on low incomes, including people with disability. Those with the least means to contribute have borne the overwhelming burden of expenditure cuts.

Changes to eligibility to the Disability Support Pension (DSP) have meant that many people with disability have been reassessed and moved to the 'below the poverty line' Newstart Allowance. This has not resulted in finding employment, but has instead forced people with disability to survive on lower incomes, whilst the challenges to find and keep work remain.

People with disability are already 'doing it tough' and it is critical that the 2017/2018 Federal Budget does not contain measures that further entrench poverty for people with disability.

We strongly recommend that measures in the 2017/2018 Budget do not rely on expenditure cuts to welfare and social services, or focus on those with the least means to contribute. We need progressive reform over a 10 year period that is focused on economic growth and equity for all. We support the framework that has been outlined jointly by business, union and community groups over recent budget processes and encapsulated in the pre-budget submission of the Australian Council of Social Services (ACOSS).⁶

³ pwc, *Disability expectations – Investing in a better life, a stronger Australia*, November 2011, pwc, <http://www.pwc.com/gx/en/industries/government-public-services/public-sector-research-centre/australia/investing-in-a-better-life-a-stronger-australia.html>

⁴ Ibid.

⁵ More information from the ABS website at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4433.0.55.006?OpenDocument>

⁶ http://www.acoss.org.au/wp-content/uploads/2016/02/ACOSS_Budget-Priorities-Statement_2016-17_web.pdf

3.2 The National Disability Strategy

The National Disability Strategy 2010-2020⁷ (NDS) is the mechanism under which Australian Governments at all levels are progressively implementing the United Nations (UN) Convention on the Rights of People with Disabilities (CRPD).

However, the Second Implementation Plan⁸ for the NDS was only released in December 2016, halfway through the implementation period 2015-2018, and the progress reports⁹ on NDS implementation provide a clear indication of the need to recast the NDS as an engine for change, rather than a way to simply report on actions already undertaken.

The establishment of the National Disability and Carers Advisory Council in 2016 is a welcome initiative in driving the implementation of the NDS. This must be supported with investment in actions across governments to achieve progress for people with disability in being able to access mainstream services in the community, such as transport, education, justice and healthcare. These parallel reforms must happen for the NDIS to be successful in meeting its objective of increasing the social and economic participation of people with disability.

Despite the momentous changes in the disability rights landscape over the last 10 years, people with disability still have no voice in the development of the research agenda required to support, evaluate, and monitor either the implementation of the CRPD in Australia through the NDS or the NDIS.

As we enter the next stage of the NDS, we strongly recommend that the Government fully resource:

- **a range of specific measures under the NDS, including strategies to address disability access, housing, jobs, information access, rights protection, health and civic participation opportunities, such as a presence on the ABC and leadership development programs.**
- **a strengthened public reporting mechanism around the NDS and NDIS, and transparent accountability measures within State and Territory agreements.**
- **a policy engagement framework that enables people with disability and their representative organisations to be consulted on legislation and policy that affects their lives.**
- **the establishment of a Disabled People's Organisation (DPO) led research institute to build an evidence base for disability policy reform through the commissioning of research which is co-produced by people with disability.**

⁷ Council of Australian Governments, *National Disability Strategy 2010-2020*, Commonwealth of Australia 2011, <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy>

⁸ Department of Social Services, 2010-2020 National Disability Strategy – Second Implementation Plan, Driving Action 2015-2018, <https://www.dss.gov.au/disability-and-carers/program-services/government-international/national-disability-strategy-second-implementation-plan>

⁹ Department of Social Services, *Progress Report to the Council of Australian Governments 2014*, <https://www.dss.gov.au/disability-and-carers/programmes-services/government-international/progress-report-to-the-council-of-australian-governments-2014>

3.3 The National Disability Insurance Scheme (NDIS)

As a national insurance scheme, the NDIS recognises that any Australian may have disability at some point in their life, and that the scheme to provide disability supports should be available to, and paid for by, everyone.

The NDIS is an essential part of our social infrastructure that will ensure that all Australians with disability finally have the support they need. This long overdue investment in people with disability and their families will enable more people to move into work, and also create jobs in the disability support sector. Implementation of the NDIS will bring an increase to GDP and the economic benefits of having more Australians able to participate in the community.

It is critical that the NDIS is properly, adequately and sustainably funded. However, DPO Australia has serious concerns about the proposed NDIS Savings Fund Special Account that was outlined in the 2016/2017 Budget as a measure to sustain the Commonwealth's financial commitment to the NDIS.¹⁰ The NDIS Savings Fund Special Account is highly likely to result in justification of cuts and savings measures that target essential human services and welfare. It will result in trade-offs and false economies between disability support and social security support, and link NDIS funding to the budget cycle resulting in ongoing unease and angst about existing programs and services that may be cut in future, potentially creating resentment from the community and other stakeholders who may lose funding.

Funding for the NDIS must be taken out of the budget cycle and political debate. We strongly reject measures that would seek to **fill any perceived or potential shortfall in NDIS funding through a shift in revenue from other human services. We also strongly reject any measures that link a fully funded NDIS with the need to cut welfare spending.**

The Information, Linkages and Capacity (ILC) component of the NDIS is targeted at all people with disability, particularly those who will not receive funding through the NDIS but who will need information, advice and support in order to successfully navigate the specialist and mainstream service system. The \$132 million set aside for these activities is inadequate to ensure that people with disability will have the advice and information they need to make independent and informed choices about their support options. ILC services are an important buttress to the specialist service system. **It is essential that the full scope of the ILC system be funded, to ensure that all people with disability can access the services they need.**

As the NDIS progressively rolls out, DPO Australia recommends that the Government:

- **retain the NDIS component of the Medicare Levy which provides predictable revenue to specifically fund the scheme into the future.**
- **reject savings measures that link a fully funded NDIS to cuts to human services and welfare spending.**
- **increase funding, to at least twice the current amount of the ILC component of the NDIS.**

¹⁰ Disabled People's Organisations Australia, 'Submission to the Senate Community Affairs References Committee Inquiry into the National Disability Insurance Scheme Savings Fund Special Account Bill 2016', <http://dpoa.org.au/submissions/dpoa-ndis-savings-fund-special-account-bill-2016-inquiry/>

3.4 Close the gap for Aboriginal and Torres Strait Islander people with disability

Aboriginal and Torres Strait Islander people with disability are amongst the most marginalised in Australian society. It is estimated that approximately 45% of Aboriginal and Torres Strait Islander people identify as having some form of disability, with 9.1% having severe and profound disability.

Despite the high prevalence of disability, policy attention which is sensitive to the unique circumstances of Aboriginal and Torres Strait Islander people with disability has been negligible. Further there is little investment in research and data to address the gaps in understanding, which present a significant risk to the implementation of the NDIS in Aboriginal and Torres Strait Islander communities.

We recommend that the 2017/2018 budget contain measures to:

- **address the unique circumstances which lead to systemic disadvantage for people who are both Aboriginal or Torres Strait Islander and have disability in all government policies under the Indigenous Advancement Strategy and National Disability Strategy.**
- **commit to equitable access to the NDIS by Aboriginal and Torres Strait Islander people, by dedicating resources to community-led solutions that understand and respond to the complex social circumstances affecting Aboriginal and Torres Strait Islander people with disability.**
- **establish disability access targets, to monitor equitable access to the NDIS by Aboriginal and Torres Strait Islander people both as part of the Closing the Gap framework and the NDIS Quality Assurance and Outcomes framework.**
- **invest in research and development to build an evidence base of data which support innovations in the Aboriginal and Torres Strait Islander disability sector and evaluates its social impact.**
- **address the imprisonment rates of Aboriginal and Torres Strait Islander people by resourcing a therapeutic model of justice for people with cognitive and psychosocial disability.**
- **fund training and community leadership initiatives to enable regional and remote communities to conduct a self-directed needs, capacity and infrastructure analysis of disability supports and solutions.**

3.5 Equity of support for older people with disability

People with disability over the age of 65 are not eligible for the NDIS – unless they entered the NDIS prior to this age – and are expected to access specialist disability support through the aged care system, or My Aged Care. However, My Aged Care is not focused or experienced in providing specialist disability support; it requires co-payments to be made for services and supports; and it has a lack of accessible information about specialist disability supports within the aged care system.¹¹ The key features of choice and control and integration and participation in community life are absent for people with disability in the aged care system.¹²

¹¹ NDIS (Not Damn Interested in Seniors) = My Aged Scare! – Advocating for equality for over 65s, <https://myagedscare.com>

¹² Kirsty Stein, “Promise of extra support”, *The Senior*, Tuesday 26th April 2016, <https://www.thesenior.com.au/news/promise-of-extra-support/>

A Continuity of Support Program aims to support people aged 65 and over and Indigenous people aged 50 and over who are currently in receipt of specialist disability services and are ineligible for the NDIS. However, concerns remain that Continuity of Support will not assist people with disability in the aged care system whose disability support needs will increase over time. In addition, many older people with disability who acquire disability or who need specialist disability support and are not currently receiving this support, will be reliant on an aged care system not designed for them.

We recommend that the 2017/2018 budget commit resources for the development, and implementation of **a national Disability and Aging Action Plan that aligns and integrates the provision of specialist disability support across service systems, including aging, NDIS and health; and that ensures equity in the provision of specialist disability supports to older people with disability, regardless of NDIS eligibility.**

3.6 Secure and adequate income support

An adequate safety net must be available to all who need it, and provide for an adequate standard of living in relation to the rest of the community. This safety net is particularly important for people with disability who face significant and complex barriers to economic participation.

The reality is that for some people with disability, the barriers to participation are so great that they will be dependent on income support over the long term. The Disability Support Pension (DSP) provides for a basic standard of living, with little room for luxuries or savings. Cuts to the DSP mean that rather than being supported to live in dignity, people with disability dependent on income support fall further behind the living standards of the rest of the community.

Changes to the DSP eligibility since 2013 have already left many people with disability struggling to survive on the Newstart or Youth Allowance, payments that are below the poverty line and in no way account for the additional costs associated with disability. The 2016/2017 Budget measures subject a further 30,000 disability support pensioners a year for 3 years (90,000 people) to reviews that further threaten to plunge people with disability into poverty, homelessness and ill-health. These reviews have not been matched by investment in employment support initiatives for people with disability, or measures to address mainstream barriers to employment. The most recent round of reviews announced in the 2016/2017 Budget are also being rolled out before an evaluation has been completed of the outcomes for people with disability who have been previously reviewed. Whilst these reviews may shift people off the DSP to other, lower, payments, this is not improving the prospects of people with disability over the long term, or enabling people to improve their circumstances and avoid long-term welfare dependency.

We strongly disagree with the proposed cessation of the Pensioner Education Supplement (PES). **If PES is stopped, many people on the DSP will have to fund their study costs out of their income support payments, which will mean that enhancing training and skills to move into employment will be prohibitive.**

DPO Australia maintains our view that any reform must ensure that social security be available to all who need it, and provide for an adequate standard of living in relation to the rest of the community. This safety net is particularly important for people with disability who face profound and complex barriers to participation.

We support the recommendations of the wider community sector¹³ for the base rate of income support (Newstart) to be increased, and that this be indexed to average male weekly earnings.

We recommend that there are no further changes to DSP eligibility, and that an assessment is conducted of the impact of recent changes to DSP eligibility to review whether they are fair and realistic, taking into account the access issues, barriers and prevailing labour market conditions that prevent job opportunities.

3.7 National employment plan

In 2015, the Australia Bureau of Statistics reported that labour force participation for people with disability has not changed since 2012, staying at 53%, and that Australians with disability are still more likely to be unemployed than their peers without disability.¹⁴ Employment of people with disability in the Australian Public Service has continued to decline to about 3%.¹⁵ Women with disability are less likely to be in the labour force compared to men with and without disability and compared to women without disability.¹⁶

The 2016 Willing to Work Inquiry Report from the Australian Human Rights Commission¹⁷ recognises numerous systemic barriers to employment for people with disability including lack of practical assistance for employers to support employment of people with disability; negative employer and community attitudes; poor transition to work initiatives for school leavers; negative outcomes from disability employment services which fail to respond to individual needs or deliver long term job retention; segregation of people with disability in 'sheltered workshops' (Australian Disability Enterprises), and financial disincentives of entering the workforce such as increased accessible transport costs.

DPO Australia supports the review of the national employment framework for people with disability that is being conducted by the Australian Government. Most recently, this review has focused on one aspect of this framework, the Disability Employment Services (DES) program. DES continue to deliver poor employment outcomes for people with disability and we support the current reform process. **People with disability need access to employment services that meet their individualised needs and which are focused on long term outcomes for their clients.** The reforms are due to be completed by 2018, and to date the Department of Social Services (DSS) has been in dialogue with people with disability, employers and disability peak bodies regarding the design of the new employment support system. **Ongoing resources must be committed to support dialogue between all stakeholders to ensure that the new employment support structure offers the best outcomes for people with disability.** As part of this structure, we support trialled unbundling of DES to provide a more effective and responsive approach at the NDIS interface. This will require some upfront investment but yield savings over the longer term.

¹³ ACOSS 2015 Budget submission p. 10

¹⁴ Australian Bureau of Statistics, Disability, Ageing and Carers, Australia: First Results, 2015, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4430.0.10.001Main+Features12015?OpenDocument>

¹⁵ Australian Public Service Commission, State of the Service Report 2014-15, Commonwealth of Australia http://www.apsc.gov.au/data/assets/pdf_file/0010/72379/sosr-2014-15-web.pdf

¹⁶ Department of Social Services, Progress Report to the Council of Australian Governments 2014, p. 55

¹⁷ Australian Human Rights Commission, *Willing to Work – National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, 2016

The reform of the DES system is integral to the success of the NDIS, in terms of facilitating positive employment outcomes for all people with disability in the open employment market. However, the DES system cannot be viewed in isolation from the need for a comprehensive employment strategy or jobs plan for people with disability, which supports and incentivises people towards long-term open employment. This plan should implement the recommendations from Willing to Work inquiry, support strategic investment in areas that will increase public sector employment participation and progress measures to alleviate the cost of disability.

We recommend that the 2017/2018 budget contain measures to:

- **develop and implement a National Employment Strategy or Jobs Plan for people with disability including targets, performance indicators and timeframes for increasing the workforce participation of people with disability and taking into account the gendered barriers to economic participation.**
- **extend eligibility for Centrelink payments and concessions for people with disability entering the workforce to provide a real incentive to work and a buffer from the additional costs of initial entry to employment.**

3.8 Affordable and accessible housing

Access to appropriate, affordable and accessible housing presents one of the greatest barriers to inclusion for people with disability, limiting participation in all aspects of life.

One of the most progressive components of the NDIS is the delinking of the provision of disability support from the provision of housing thus giving people choice and control in both. For this to work in practice it is essential that the choice of support provider isn't limited due to a lack of options for appropriate housing, or the choice of housing isn't limited due to service providers being incentivised to wrap accommodation options into their disability support packages thus making both cheaper to provide.

The NDIS Specialist Disability Accommodation (SDA) Framework¹⁸ focuses on investment in housing options to meet shortfalls for NDIS participants who face significant barriers in the current housing market. While this investment is critical, there are concerns that SDA will continue to provide a parallel disability housing system that allows for the development of contemporary forms of institutional living, and that requires people to live in congregate arrangements, or removes a person's choice and control when accommodation service providers limit the support providers in accommodation.

It is imperative that people with disability receive adequate information about their housing options in the pre-planning phase of the NDIS. Critically, the mainstream housing sector must be educated on the rights and needs of people with disability so that it invests in and supports the development of increased numbers of appropriate, affordable and accessible, universally designed homes.

¹⁸ National Disability Insurance Agency, "Specialist Disability Accommodation", <https://www.ndis.gov.au/specialist-disability-accommodation>

DPO Australia is concerned about the significant undersupply of affordable, accessible and universally designed housing, and supports work with industry and attention to the tax treatment of housing investment to increase mainstream housing supply. We strongly support the position of the Australian Network for Universal Housing Design that minimum access features, such as those in the Liveable Housing Design's Gold Level, be included in the National Construction Code for all new and extensively modified housing.

The Council of Australian Governments (COAG) should incentivise private investors in affordable and accessible housing and encourage jurisdictions to commit to a dedicated land release pipeline for housing which meets Liveable Housing Design's Gold Level. This housing reform agenda should aim to develop a pool of accessible housing product below the \$200,000 range and invest in innovative housing forms, which expand the choices for people with disability and stop the focus on segregated disability housing "models".

We also urge the Government to invest in a revised national rental affordability incentive program, in line with previous recommendations by National Shelter, and with a focus on universal housing design principles. An incentive program is critical to the increase in private and industry funding to deliver an affordable, accessible supply of rental housing.

We recommend that the 2017/2018 budget contain measures for:

- **a Council of Australian Governments (COAG) housing reform agenda which specifically includes: access and affordability strategies for people with disability as a priority; components to educate community housing providers, private developers and landlords on disability inclusion and universal design; support for State and Territories to incentivise private investment to deliver increased accessible and affordable housing stock.**
- **the inclusion of minimum access features, such as those in the Liveable Housing Design's Gold Level, in the National Construction Code for all new and extensively modified housing.**
- **investment in the expansion of a revised National Rental Affordability Incentive program with a focus on affordable, liveable, accessible housing.**

3.9 Inclusive education

In January 2016, the report from the Senate Standing Committee on Education and Employment Inquiry into 'Access to Real Learning: the Impact of Policy, Funding and Culture on Students with Disability' confirmed that the current education system is failing to meet the needs of many students with disability.¹⁹ Despite available data showing that 90.2% of students with disability attend regular or mainstream schools, only 36% of people with disability aged 15-64 years complete secondary education compared to 60% of people without disability.²⁰

Currently, schools receive inadequate funding and resources to meet the needs of students with disability. This undermines the ability of schools to implement measures that would underpin inclusion including modifying curricula to meet the particular needs of different students;

¹⁹ Senate Education and Employment References Committee, *Access to real learning: the impact of policy, funding and culture on students with disability*, Commonwealth of Australia, January 2016, p2

²⁰ UPR Disability Coordination Group, 'Poor quality inclusive education for people with disability', Factsheet for Australia's Universal Periodic Review 2015

increasing the staff to student ratio; and providing adaptive equipment and technology, accessible transport, universally designed environments and accessible social and extra-curricular activities.²¹

Students with disability are also experiencing disturbing rates of bullying and restraint and seclusion. There are an increasing number of incidents being reported of children with disability being placed in 'withdrawal spaces', which effectively amount to seclusion in fenced off spaces, cages and cupboards.²²

We recommend that the 2017/2018 budget contain measures to:

- **develop and implement a National Inclusive Education Action Plan to deliver on inclusive education, significantly improve the educational outcomes of children and young people with disability, and to work with States and Territories to end restrictive practices in schools.**
- **increase funding for schools including fully funding the disability loading component of the Gonski education reforms and reversing the cuts to the final 2 years of these reforms.**

3.10 Royal Commission into violence, abuse and neglect of people with disability

In November 2015, the Senate Community Affairs References Committee's Inquiry into Violence Against People with Disability in Institutional and Residential Settings²³ shed light on hundreds of horrific stories that testify to the significantly high levels and myriad forms of violence experienced by people with disability. These personal accounts are just the tip of the iceberg however, and are indicative of a widespread and far-reaching problem that has particular dimensions and impacts for women with disability, children with disability, Aboriginal and Torres Strait Islander people with disability and culturally and linguistically diverse people with disability.

Despite this, the Government is yet to make a response to this report. While important, the NDIS Quality and Safeguards Framework will not cover or address this issue. The perpetration of violence is not restricted to a few rogue individuals, is not confined to the NDIS and disability support arrangements, and is not limited by state or territory borders. It is a national epidemic warranting urgent national leadership and action. Wide ranging systemic failures in legislation, policies and service systems underpin the conditions that give rise to violence, abuse and neglect of people with disability.²⁴

The 2017/2018 budget must contain measures to begin to address this issue:

- **Establish a Royal Commission into violence, abuse and neglect of people with disability in Australia to expose these crimes and some measure of justice to people with disability.**
- **Establish an independent national statutory watchdog to protect, investigate and enforce findings regarding violence, abuse and neglect of people with a disability.**

²¹ Advocacy for Inclusion, Submission to ACT Government, Inquiry into the Unmet Needs of Students with Disability, 2010, <http://www.legassembly.act.gov.au/downloads/submissions/12%20Advocacy%20for%20Inclusion.pdf>

²² See e.g. "Report on Canberra boy with autism placed in cage released by ACT Government, principal loses position", ABC News, 8 September 2015, <http://www.abc.net.au/news/2015-09-08/canberra-boy-in-the-cage-autism-report-released/6758582>

²³ http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect

²⁴ See e.g., Frohmader, C., & Sands, T. (2015) Australian Cross Disability Alliance (ACDA) Submission to the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings, Australian Cross Disability Alliance (ACDA), Sydney, Australia

- **Coordinate the development of nationally consistent Disability Justice Strategies across governments to ensure that people with disability are supported to access the same legal protections and redress as the rest of the community.**

3.11 End disability discrimination in immigration policy

Australia is a multicultural and diverse nation and almost 25%, or 1 million people with disability who live here are from culturally or linguistically diverse backgrounds.²⁵ However, multiple policy and procedural mechanisms operate to exclude people with disability from settling in Australia.

The Migration Act 1958 is exempt from the *Disability Discrimination Act 1992* (Cth) meaning that potential migrants or refugees with disability who fail to meet the ‘health requirement’ are denied permanent residency on the basis that they are a potential ‘cost burden’ on the Australian taxpayer. In 2010, a Parliamentary Inquiry into the migration treatment of disability found the health requirement unfairly discriminates against people with disability.²⁶

For those who are granted permanent residency the *Social Security Act 1991* (Cth) bars access to the DSP for a period of 10 years leading to considerable barriers to social and economic support and participation.

These policies are discriminatory; fail to take into consideration the social, economic and cultural contributions that people with disability make to our communities; and undermine the values of inclusion that as a nation we should be seeking to uphold.

The current conditions facing refugees in mandatory indefinite immigration detention, particularly those held offshore in Manus Island, Nauru and Christmas Island, raise serious concerns with respect to Australia’s obligation to ensure people are not subject to torture or cruel, inhuman or degrading treatment. People with disability in immigration detention are at heightened risks of physical and sexual violence, inadequate and inaccessible facilities; lack of access to necessary aids, equipment, medication, health and allied health care; lack of access to diverse language and communication supports and support for families and carers.²⁷ There is also evidence of the withdrawal of essential medication and equipment, including instances of hearing aids and prosthetic limbs being removed and destroyed, the use of solitary confinement, and the separation of people with disability from their primary carers, including spouses.²⁸ Indefinite detention can also lead to the development or exacerbation of psychosocial disability, either while in detention or as a result of this traumatic experience.

²⁵ Data derived by National Ethnic Disability Alliance from the Australian Bureau of Statistics, Census of Population and Housing 2011, and the Survey of Disability, Ageing and Carers 2012

²⁶ *Joint Standing Committee on Migration, Enabling Australia: Inquiry into the Migration Treatment of Disability, 2010, www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=mig/disability/report.htm*

²⁷ *National Ethnic Disability Alliance, ‘The Plight of People living with Disabilities within Australian Immigration Detention: Demonised, Detained and Disowned, 2015, <http://neda.org.au/index.php/latest/183-plight>*

²⁸ Bevan, N., & Sands, T., (2016) Australian Cross Disability Alliance (ACDA) Submission to the Senate Inquiry into Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia’, Australian Cross Disability Alliance (ACDA); Sydney, Australia

A recent report demonstrate that the significant cost of offshore processing, mandatory detention and other border protection policies amounts to \$10 billion since 2013, with estimates that the Government will spend a further \$6 billion over the next five years.²⁹

The 2017/2018 budget must contain measures to begin to address this issue:

- **Redirect funding from offshore processing, mandatory detention and other border protection policies towards ending mandatory and indefinite detention and implementing measures to ensure resettlement to Australia.**
- **Remove the exemption in the Disability Discrimination Act 1992 as it applies to the Migration Act 1958.**
- **Enhance consistency, transparency and administrative fairness for migrants and refugees with disability applying for an Australian visa.**
- **Ensure that all immigration detention facilities provide reasonable accommodations for people with disability, access to appropriate aids and communication support, physical and mental healthcare and carer support.**
- **Abolish the 10 year qualifying period for migrants to access the Disability Support Pension.**

3.12 Accessible infrastructure and communications

Access to the built environment, telecommunications, our communities, services, premises and transport is critical for people with disability to participate fully in the economic, social and cultural life of our communities.

However, people with disability face inaccessible communities, services and facilities on a daily basis. Footpaths are poorly designed, essential services such as doctors and dentists are located within inaccessible premises, many public transport networks remain inaccessible and accessible toilets are often not available in public venues. Information on public services is often inadequate, unreliable, and not provided in accessible and alternate format, and there is no text based option to communicate with 000 emergency services. Captioning quotas on both free-to-air and subscription television continue to restrict access to news, information and entertainment for those who rely on captions; and there is no audio description provided at all on television in Australia.

The Disability Standards for Accessible Public Transport and the Disability (Access to Premises – Buildings) Standards aim to provide people with disability with equitable and dignified access to public transport and buildings and provide certainty to industry that they are complying with the Disability Discrimination Act 1992. The current reviews of both the transport and premises Standards is critical, but there have been tight consultation timeframes and no mechanism to negotiate differing views across sectors, including the disability, design, certification, anti-discrimination and government sectors to ensure the reviews deliver increased consistency of application and greater compliance, and to minimise ambiguity about how Standards work in relation to other legislation, policies and frameworks in Australia.

By any reasonable measure people with disability are under-represented in the content produced by the ABC despite the ABC charter providing a mandate for the Corporation to broadcast programs

²⁹ Button, Lisa., Evans, Shane., & Lamoin, Amy, 'At What Cost? The Human, Economic and Strategic Cost of Australia's Asylum Seeker Policies and the Alternatives, September 2016, Save the Children and Unicef Australia.

that contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of the Australian community and provide a balance between broadcasting programs of wide appeal and specialised broadcasting programs. Supporting this voice through ABC Ramp Up was an important initiative within the National Disability Strategy. However, there is now **no dedicated portal or programming voice within any ABC platform for disability** and the ABC should be encouraged to prioritise this voice given people with disability are one in five Australians and the prevalence of disability increases with age.

We recommend that the 2017/2018 budget contain measures to:

- **Engage with State & Territory and Local Government authorities to develop nationally consistent guidelines for disability inclusion action planning.**
- **Develop Disability Standards and guidelines which address gaps in the current regulatory framework, such as for public spaces.**
- **Establish National Expert Advisory groups made up of cross-sector representatives for each of the review processes of Accessible Public Transport and the Access to Premises Standards to facilitate effective negotiation that leads to enhanced transport and premises access for people with disability.**
- **Provide for all National Relay Services to be available 24 hours a day, 7 days a week, 365 days a year including video relay, and implementation of a national Next Generation 000 service to allow SMS communication with the 000 operator.**
- **Amend the Broadcasting Services Act to significantly increase requirements for captioning and to introduce audio description requirements for broadcast television that ensures equal access to television news, information and entertainment.**
- **Fund a dedicated disability online portal in diverse languages on SBS, and a dedicated disability online portal or programming voice within the ABC, to meet the obligations of the ABC Charter in respect of disability, such as a multi-media news, opinion and podcast portal to build on the work of ABC Ramp Up.**

